

AMENDED IN SENATE JUNE 23, 2003

AMENDED IN SENATE JUNE 5, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 366

Introduced by Assembly Member Mullin

February 14, 2003

An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 366, as amended, Mullin. Child care: substitute employee registry.

Existing law authorizes the State Department of Social Services (*department*) to adopt regulations to create substitute care facility employee registries for persons working at more than one facility licensed by the department, in order to permit these registries to submit fingerprint cards and child abuse index information for child care registries.

This bill would instead authorize the department to adopt the above regulations in order to permit these registries to submit fingerprint images and related information to the Department of Justice, in accordance with prescribed provisions, for child care workers who are associated with the registries, and would require the Department of

Justice to assess all processing fees associated with these provisions. It would also require that the responses from the Department of Justice be provided to the department, and would permit these responses to include information from specified sources.

Existing law additionally authorizes the department to operate a substitute child care employee registry pilot program for the above purposes, pursuant to specified criteria, and to charge an administrative fee to participating registry facilities.

~~This bill, instead, would establish the registry as an ongoing program, and would require the registry to submit fingerprint information and samples to, and obtain specified clearances from, the Department of Justice and the Federal Bureau of Investigation for child care workers who are associated with the registry.~~

The bill would require ~~that the department to provide~~ each registry ~~be provided under the pilot program with a permanent~~ facility number, and would ~~also~~ require that the child care worker be registered with the registry, and not with an individual child care facility that temporarily employs the child care worker. The bill would also require the registry to maintain all employee records for a child care worker it employs.

~~The bill would permit~~

Existing law permits the department to limit the pilot program to specified counties.

This bill would revise the list of counties that may participate in the pilot program.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1522.02 of the Health and Safety Code
- 2 is amended to read:
- 3 1522.02. (a) The department may adopt regulations to create
- 4 substitute employee registries for persons working at more than
- 5 one facility licensed pursuant to this chapter, Chapter 3.01
- 6 (commencing with Section 1568.01), Chapter 3.2 (commencing
- 7 with Section 1569), Chapter 3.4 (commencing with Section
- 8 1569.70), Chapter 3.5 (commencing with Section 1596.90), or
- 9 Chapter 3.6 (commencing with Section 1597.30), in order to



~~1 permit these registries to submit fingerprint information and~~
~~2 samples to, and to obtain clearances from, the Department of~~
~~3 Justice and the Federal Bureau of Investigation for child care~~
~~4 workers who are associated with the registries so that these~~
~~5 facilities have available cleared care staff. The clearances from the~~
~~6 Department of Justice shall include clearances from its Criminal~~
~~7 Index and Identification (Cal CII) system and Child Abuse~~
~~8 Central Index.~~ *permit these registries to submit fingerprint images*
~~9 and related information pursuant to Section 1596.871, to the~~
~~10 Department of Justice for child care workers who are associated~~
~~11 with the registries so that these facilities have available cleared~~
~~12 care staff. Notwithstanding paragraph (3) of subdivision (a) of~~
~~13 Section 1596.871, the Department of Justice shall assess all~~
~~14 processing fees associated with this subdivision. The responses~~
~~15 from the Department of Justice shall be provided to the department~~
~~16 and may include information from its Criminal Index and~~
~~17 Identification (Cal-CII) system, the Federal Bureau of~~
~~18 Investigation, or the Child Abuse Central Index.~~

(b) The department shall operate a substitute child care
employee registry *pilot* program for the purposes of subdivision
(a) and may charge participating registries a reasonable
administrative fee. The *pilot* program shall be subject to all of the
following:

(1) The *pilot* program shall be limited to screening employees
for facilities licensed as child care facilities.

(2) Registries may not hire any child care worker for
employment at a child care facility who requires an exemption
from the criminal background clearance requirements of law.

(3) The department shall only guarantee the authenticity of
criminal background and child abuse index information that
registries provide to child care facilities. Any other information
about a child care worker shall be verified by the registry and
certified through a certificate issued by the registry.

(4) The department shall provide each registry with a
~~permanent~~ facility number. The child care worker shall be
registered with the registry, and not with the individual child care
facility that temporarily employs him or her. The substitute
employee registry shall maintain all employee records for a child
care worker employed by the registry.

1 (5) The department may limit the *pilot* program to the Counties
2 of Alameda, Contra Costa, ~~Los Angeles, Orange, Sacramento, San~~
3 ~~Francisco, San Luis Obispo, Orange, San Francisco~~, San Mateo,
4 and Santa Clara.

5 SEC. 2. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety
7 within the meaning of Article IV of the Constitution and shall go
8 into immediate effect. The facts constituting the necessity are:

9 In order to expedite criminal background checks so as to enable
10 temporary child care employees to fill emergency vacancies in
11 child care facilities as soon as possible, it is necessary that this act
12 take effect immediately.

